IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G.BIKSHAPATHY

WRIT PETITION NO : 28762 of 1995

Between:

M/s.Big Shot, rep. by its Partner

Sri Madat Ali Punjani,

Abids, Hyderabad.

..... PETITIONER

AND

1. The Authority under Minimum

Wages Act and Assistant

Commissioner of Labour,

RTC 'X' Roads, Hyderabad.

2. Y.Sangayya, A.P.Shops Workers Union,

Saroornagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or issue a writ particularly one in the nature of Certiorari, and quash the Order dated 02-09-1995 in I.A.No. Nil and ex-parte order dated 23-07-1995, in M.W.No.84 of 1994 after calling for the records on the file of the Assistant Commissioner of Labour and Authority under Minimum Wages Act, RTC 'X' Roads, Hyderabad.

Counsel for the Petitioner: Mr.B.G.RAVINDRA REDDY.

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: None appeared

The Court made the following:

O R D E R:

The writ petition is filed challenging the order dated 23-07-1995 passed by the Authority under Minimum Wages Act (first respondent herein) in M.W.No.84 of 1994.

2. It is the case of the petitioner that the order was passed in minimum wages case without affording any opportunity and even the application filed to set aside the ex-parte order was also dismissed without considering the same in proper perspective. Therefore, the order is liable to be set aside.

3. I have perused the order under challenge and I find that in the interest of justice one more opportunity should be given to the petitioner to defend his case.

4. Accordingly, the order is set aside and the matter is remitted back to the Authority under Minimum Wages Act for fresh consideration. The Authority shall issue notice to the parties concerned and decide the matter on merits within a period of two months from the date of receipt of a copy of this Order.

5. With the above observation, the Writ Petition is disposed of. No costs.

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G.BIKSHAPATHY, J

Date: 20-01-2005

Prv/Bsb

To

1. The Authority under Minimum

Wages Act and Assistant

Commissioner of Labour,

RTC ‘X’ Roads, Hyderabad.

2. Two CCs to G.P. for Labour, High Court of Andhra Pradesh,

Hyderabad (OUT).

3. Two CD copies.